
SENATE BILL 5660

State of Washington

66th Legislature

2019 Regular Session

By Senator McCoy

1 AN ACT Relating to the duties of mental health professionals; and
2 amending RCW 70.02.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.02.050 and 2017 c 298 s 2 are each amended to
5 read as follows:

6 (1) A health care provider or health care facility may disclose
7 health care information, except for information and records related
8 to sexually transmitted diseases which are addressed in RCW
9 70.02.220, about a patient without the patient's authorization to the
10 extent a recipient needs to know the information, if the disclosure
11 is:

12 (a) To a person who the provider or facility reasonably believes
13 is providing health care to the patient;

14 (b) To any other person who requires health care information for
15 health care education, or to provide planning, quality assurance,
16 peer review, or administrative, legal, financial, actuarial services
17 to, or other health care operations for or on behalf of the health
18 care provider or health care facility; or for assisting the health
19 care provider or health care facility in the delivery of health care
20 and the health care provider or health care facility reasonably
21 believes that the person:

1 (i) Will not use or disclose the health care information for any
2 other purpose; and

3 (ii) Will take appropriate steps to protect the health care
4 information;

5 (c) To any person or law enforcement personnel if the health care
6 provider or health care facility believes, in good faith, that ~~((use~~
7 ~~or))~~ disclosure is necessary to prevent or lessen ~~((a serious))~~ an
8 actual and imminent threat to the health or safety of a reasonably
9 identifiable person or ~~((the public))~~ persons, and the information is
10 disclosed only to a person or persons reasonably able to prevent or
11 lessen the threat, including the target of the threat ~~((There is no~~
12 ~~obligation under this chapter on the part of the provider or facility~~
13 ~~to so disclose))~~, in which case the following exemptions from
14 liability apply:

15 (i) Any professional person in charge, his or her professional
16 designee, or attending staff of any such practice may not be held
17 civilly or criminally liable for performing duties pursuant to this
18 chapter with regard to the decision of whether to release information
19 or detain a person for evaluation and treatment if such duties were
20 performed in good faith and without gross negligence.

21 (ii) This subsection does not relieve a person from giving the
22 required notices to warn or from taking reasonable precautions to
23 provide protection from violent behavior where the patient has
24 communicated an actual threat of physical violence against a
25 reasonably identifiable person or persons.

26 (iii) The duty to warn or to take reasonable precautions to
27 provide protection from violent behavior is discharged if reasonable
28 efforts are made to communicate the threat to the person or persons
29 and to law enforcement personnel; or

30 (d) For payment, including information necessary for a recipient
31 to make a claim, or for a claim to be made on behalf of a recipient
32 for aid, insurance, or medical assistance to which he or she may be
33 entitled.

34 (2) A health care provider shall disclose health care
35 information, except for information and records related to sexually
36 transmitted diseases, unless otherwise authorized in RCW 70.02.220,
37 about a patient without the patient's authorization if the disclosure
38 is:

39 (a) To federal, state, or local public health authorities, to the
40 extent the health care provider is required by law to report health

1 care information; when needed to determine compliance with state or
2 federal licensure, certification or registration rules or laws, or to
3 investigate unprofessional conduct or ability to practice with
4 reasonable skill and safety under chapter 18.130 RCW. Any health care
5 information obtained under this subsection is exempt from public
6 inspection and copying pursuant to chapter 42.56 RCW; or

7 (b) When needed to protect the public health.

--- END ---